

**David Bernhart**

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**From:** David Bernhart  
**Sent:** Wednesday, September 5, 2018 5:34 PM  
**To:** Kara Meckley - NOAA Federal; Virginia Fay  
**Cc:** Cathy Tortorici; Mark Lamb  
**Subject:** Re: Fwd: Limetree Bay Refinery

Oh boy. These guys have some very busy lobbyists stirring things up. One of them has been in frequent contact with Chris Oliver already.

On the ESA side, we have been consulting on this project with the Army Corps. It's actually been a pretty good consultation process, and the applicant's been very reasonable to work with directly. We tried to see if we could minimize ESA coral impacts down to a level where this will be an informal consultation, but that can't reasonably be done, so it will need to be a formal consultation with biological opinion. I think we're still awaiting a few final project details from the applicant before we can begin drafting the biop. The prospect of the time it will take to produce a biop got a new round of inquiries from the lobbyist side, but Chris Oliver spoke with their lobbyist (a former EPA regional administrator) and conveyed where we are in the process and the timelines and, at least for the moment, got things settled back down.

The Army Corps tells us this project won't be heading for FAST-41.

Delegate Plaskett from the VI has sent an informal inquiry on the ESA consultation, which we've responded to through Sam G.

I was unaware of an EPA aspect to this project--we've only been working with the Corps so far. So if there are other permitting issues we need to be addressing in our biop, it would be good to hear about those soon.

-DB

On 9/5/2018 4:56 PM, Kara Meckley - NOAA Federal wrote:

Hello Ginny and David,

Pat received this inquiry this afternoon and I'm hoping you can fill me in on the status of any consultations underway.

Thanks very much, Kara

----- Forwarded message -----

From: **Tomiak, Robert** <[tomiak.robert@epa.gov](mailto:tomiak.robert@epa.gov)>  
Date: Wed, Sep 5, 2018 at 4:00 PM  
Subject: Limetree Bay Refinery  
To: "[pat.montanio@noaa.gov](mailto:pat.montanio@noaa.gov)" <[pat.montanio@noaa.gov](mailto:pat.montanio@noaa.gov)>  
Cc: "[kara.meckley@noaa.gov](mailto:kara.meckley@noaa.gov)" <[kara.meckley@noaa.gov](mailto:kara.meckley@noaa.gov)>

Pat,

I apologize for the out-of-the-blue email.....but I'm looking to establish some interagency coordination on this high profile project. I've been asked by our political team to lead the EPA's coordination of our several permitting actions and consent decree related to the Limetree Bay Refinery project in St Criox.

I've likewise reached out to USACE colleagues and plan to meet with them next week. However, my understanding is that NMFS is involved because the new refinery ownership is seeking to install a Single Point Mooring (SPM) which may create impacts to coral. I'm unclear on where in your process this piece is, and if there are coral issues related to the 404 wetlands permit that must still be resolved.

You are not likely to remember me, but I was with Department of Navy when you and Don Schregardus met to debate coral biological value assessment methodology related to the Guam EIS (what fun that was). After that, I spent 6 years at Department of Commerce managing energy and environmental programs within the Office of the Secretary. I'm now at my 2 year point at EPA with a portfolio of NEPA and permit coordination.

In any event, given the visibility of this project, and it may soon become a FAST-41 covered project, I wanted to touch base with you. Are you available for a short call, either on Friday, or one day next week?

Thanks, Rob

Rob Tomiak

Director, Office of Federal Activities

Office of Policy

U.S. Environmental Protection Agency

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Kara Meckley

Chief, Habitat Protection Division

NOAA Fisheries, Office of Habitat Conservation

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